CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force	<u> </u>	Discourt.	□ U.S.
Kevin O'Connor		Field Team	201405325	-	Abuse	_	O.L.	☐ Injury
Revin o Connor		ricia ream	201103323		7 10 use		O.L.	
Incident Date(s)		Location of Incident:		Pı	recinct:	181	Mo. SOL	EO SOL
Saturday, 05/24/2014 11:44 PM		7th Avenue and Christo Christopher Street and 6th Precinct Stationhou	Bleecker Street;		06	11/	24/2015	11/24/2015
Date/Time CV Reported		CV Reported At:	How CV Reported:	:]	Date/Time	Rece	ived at CCI	RB
Tue, 05/27/2014 1:48 PM		CCRB	In-person	,	Tue, 05/27	//2014	1:48 PM	
Complainant/Victim	Туре	Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Liam Cawley	03001	948769	006 PCT					
2. LT Ian Rule	00000	919661	006 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POF Bridget Spillane	00880	949689	006 PCT					
2. POM Joseph Tennariello	12821	952285	006 PCT					
Officer(s)	Allegatio)n			Inve	stiga	tor Recon	nmendation
A.LT Ian Rule	discourte	esy: On May 24, 2014, L cously to § 87(2)(5) her Street in Manhattan.	at 7th Avenue and					
B.LT Ian Rule	Discourtesy: On May 24, 2014, Lt. Ian Rule acted discourteously toward (S87(2)(b) at 7th Avenue and Christopher Street in Manhattan.							
C.POM Liam Cawley	Force: On May 24, 2014, PO Liam Cawley used a chokehold against \$\frac{87(2)(b)}{2}\$ at Bleecker Street and Christopher Street in Manhattan.							
D.POM Liam Cawley	Force: On May 24, 2014, PO Liam Cawley used physical force against services at Bleecker Street and Christopher Street in Manhattan.							
E.LT Ian Rule	Force: On May 24, 2014, Lt. Ian Rule used physical force against \$\frac{887(2)(b)}{2}\$ at Bleecker Street and Christopher Street in Manhattan.							
F.LT Ian Rule		On May 24, 2014, Lt. Ian at Bleecker Street and Ch an.		§ 87(2	2)(b)			
G.LT Ian Rule		On May 24, 2014, Lt. Ian		§ 87(2	2)(b)			
H.POM Liam Cawley		esy: On May 24, 2014, Fously to § 87(2)(b) buse.	PO Liam Cawley spo at the 6th Precinct	oke				
I.LT Ian Rule		On July 19, 2014, Lt. Ian the 6th Precinct Station		§ 87(2))(b)			
§ 87(2)(g), § 87(4-b)								

Case Summary

This complaint involves two separate incident dates involving \$\frac{87(2)(0)}{2}\$ and Lt. Ian Rule and PO Liam Cawley. On May 24, 2014, at approximately 11:44 p.m., \$\frac{87(2)(0)}{2}\$ was standing near the Fat Cat Lounge, located at 7th Avenue and Christopher Street in Manhattan, when he observed an unidentified man drink from and place a bottle of alcohol on the ground. Shortly after, Lt. Rule and PO Cawley approached \$\frac{87(2)(0)}{2}\$ Lt. Rule asked \$\frac{87(2)(0)}{2}\$ if he knew the other individual and allegedly told \$\frac{87(2)(0)}{2}\$ "Let me see some fucking ID" (Allegation A). As \$\frac{87(2)(0)}{2}\$ sifted through various business cards and papers to retrieve his identification, Lt. Rule allegedly slapped \$\frac{87(2)(0)}{2}\$ shand upwards, causing the documents to fall onto the ground (Allegation B). \$\frac{87(2)(0)}{2}\$ subsequently fled. PO Cawley and Lt. Rule pursued \$\frac{87(2)(0)}{2}\$ on foot, and in an attempt to bring \$\frac{87(2)(0)}{2}\$ to the ground, PO Cawley allegedly placed his arms around \$\frac{87(2)(0)}{2}\$ to the ground by his arms and legs (Allegations D and E) at Bleecker Street and Christopher Street. After being placed in handcuffs, \$\frac{87(2)(0)}{2}\$ was patted down and searched by Lt. Rule and PO Cawley. After feeling a hard object on \$\frac{87(2)(0)}{2}\$ s knee, Lt. Rule allegedly pulled \$\frac{87(2)(0)}{2}\$ was placed under arrest for \$\frac{87(2)(0)}{2}\$ was patted down and searched by Lt. Rule and PO Cawley. After feeling a hard object was a metal knee brace (Allegation F). \$\frac{87(2)(0)}{2}\$ was placed under arrest for					
After being transported to the 6 th Precinct Stationhouse, Lt. Rule escorted \$87(2)(b) into a bathroom on the first floor of the stationhouse and strip-searched him (Allegation G). While being fingerprinted, \$87(2)(b) saw PO Cawley and accused him of placing him in a chokehold. PO Cawley allegedly replied, "Yeah, you're a big motherfucker. What did you expect me to do to take you down?" (Allegation H). On July 19, 2014, at approximately 12:55 a.m., \$87(2)(b) was placed under arrest at Christopher Street and West Street by Lt. Rule and PO Cawley and was transported to the 6 th Precinct Stationhouse, where he was strip-searched by Lt. Rule (Allegation I).					
On May 27, 2014, \$87(2)(b) initially filed this complaint by phone with the CCRB and the case was referred to the Office of the Chief of Department as an arrest dispute under CCRB case number \$87(2)(b) Was referred to the Internal Affairs Bureau regarding \$87(2)(b) S allegation that Lt. Rule's breath smelled of alcohol during the May 24, 2014 incident. On August 5, 2014, \$87(2)(b) mailed in a complaint to the CCRB stating that his property and money were not vouchered after his arrest on July 19, 2014. This complaint was referred to the Internal Affairs Bureau under CCRB case number					
Mediation, Civil and Criminal Histories					
This case was ineligible for mediation. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] S 87(2)(b) did not file any Notice of Claim in regard					
to the May 24, 2014 incident as of September 12, 2014, three weeks after the 90-day filing deadline. \$87(2)(b) filed a Notice of Claim in regard to the July 19, 2014 incident on \$87(2)(b) claiming that his personal belongings and funds were taken and that he was strip-					

Page 2 CCRB Case # 201405325 searched, causing mental pain and suffering. sought \$75,000 as redress (see Board Review 14).

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by \$87(2)(b) (see Board Review 01).
- Lt. Rule has been a member of the service for 18 years and there are 13 CCRB complaints against him, containing 34 allegations of physical force, question, vehicle stop, discourtesy, offensive language, gun pointed, stop, frisk, entry, refusal to obtain medical treatment, refusal to show search warrant, strip search, and taser. None have been substantiated [87(2)(9)] (see Board Review 04).
- PO Cawley has been a member of the service for five years and has four CCRB complaints against him, containing seven allegations of threat of arrest, discourtesy, chokehold, physical force, discourtesy and vehicle stop. None have been substantiated [\$87(2)(9)] (see Board Review 04).

Findings and Recommendations

Allegation Not Pleaded

• Stop: § 87(2)(b) was arrested for the reason in which he was stopped.

Allegation A-Discourtesy: On May 24, 2014, Lt. Ian Rule spoke discourteously to at 7th Avenue and Christopher Street in Manhattan.

It is undisputed that Lt. Rule approached §87(2)(b) and interacted with him as he stood at the intersection of 7th Avenue and Christopher Street.

alleged that after asking him if he knew the man who had been drinking from the bottle of alcohol, Lt. Rule instructed him to provide identification by saying, "Let me see some fucking ID."

Lt. Rule denied making the aforementioned statement to [587(2)(5)] (see Board Review 19). PO Cawley, who was present at the same intersection as he spoke with the second individual who was stopped, did not hear Lt. Rule make this statement to [587(2)(5)] (see Board Review 18).

§ 87(2)(g)

Allegation B- Discourtesy: On May 24, 2014, Lt. Ian Rule acted discourteously towards at 7th Avenue and Christopher Street in Manhattan.

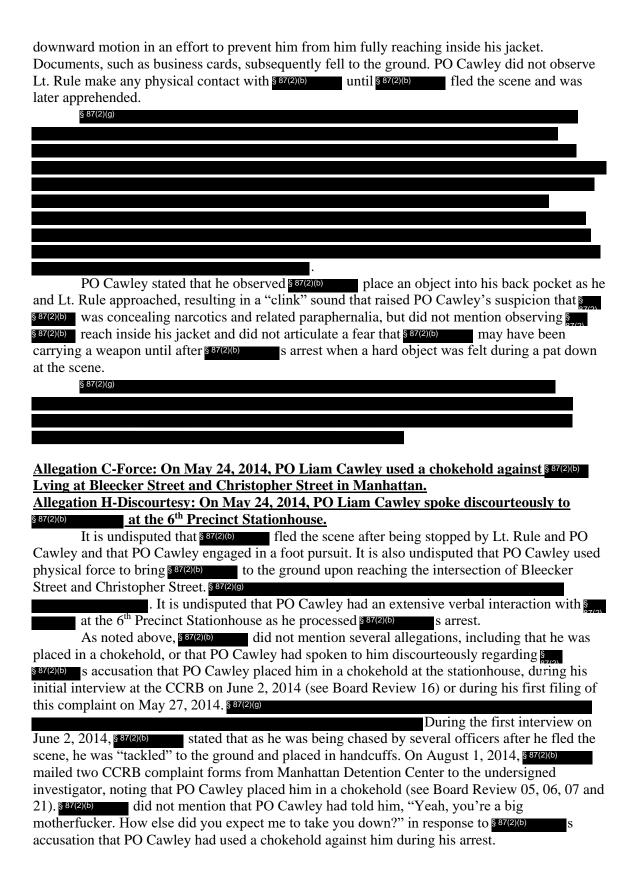
It is undisputed that Lt. Rule made physical contact with one of \$87(2)(6) s arms in a slapping motion. \$87(2)(9)

alleged that after being asked to provide identification by Lt. Rule, he began to sift through a large number of documents, including business cards and identification cards that he carries with him. Before he was able to produce his identification, Lt. Rule slapped hand upwards, causing the documents to fall to the ground.

Lt. Rule stated that as he approached \$87(2)(b) he gave several commands to \$87(2)(b) instructing him to keep his hands where Lt. Rule could see them. \$87(2)(b) then reached inside of his jacket with his right hand across his body into the left side of his jacket. As \$87(2)(b) had ignored previous commands to keep his hands in sight, Lt. Rule feared that \$87(2)(b) could have been reaching for a weapon and slapped \$87(2)(b) s arm once in a

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During a subsequent interview at Rikers Island on October 28, 2014 (see Board Review
17), §87(2)(b) stated that he only observed PO Cawley chasing after him and that PO Cawley
placed his left forearm around \$87(2)(b) s neck and used the right arm to secure the grip of the
left forearm. PO Cawley took \$87(2)(b) to the ground while holding this grip with the help of
another officer who took §87(2)(b) down to the ground by his feet. PO Cawley maintained the
chokehold until \$87(2)(b) was placed in handcuffs and \$87(2)(b) estimated that his breathing
was restricted for approximately five or six seconds. \$87(2)(b) also alleged at this time that PO
Cawley had made the aforementioned discourteous statement to him at the stationhouse after his
arrest.
PO Cawley denied placing \$87(2)(b) in a chokehold or making any physical contact
with \$87(2)(b) s neck or throat. PO Cawley also denied calling \$87(2)(b) a "big
motherfucker." Lt. Rule did not observe PO Cawley make any physical contact with
s neck or throat at any point during the incident and did not hear him call \$87(2)(b) a
"big motherfucker."
§ 87(2)(g)
Allegation D-Force: On May 24, 2014, PO Liam Cawley used physical force against \$87(2)(b)
at Bleecker Street and Christopher Street in Manhattan.
Allegation E-Force: On May 24, 2014, Lt. Ian Rule used physical force against §87(2)(b)
at Bleecker Street and Christopher Street in Manhattan.
It is undisputed that PO Cawley and Lt. Rule used physical force to bring §87(2)(b) to
the ground after they engaged in a foot pursuit, which lasted approximately one block.
alleged during his initial interview on June 2, 2014, that he was "tackled" to
the ground by several officers after running for approximately one block. During his interview on
October 28, 2014, §87(2)(b) stated that in addition to being placed in a chokehold by PO
Cawley, an officer "took his feet off" in an effort to get him to the ground. §87(2)(b) did not
allege any additional force after being taken to the ground during either interview.
PO Cawley stated that as he caught up to \$87(2)(b) he grabbed one of \$87(2)(b) s
arms and brought him to the ground in a "controlled manner." PO Cawley stated that Lt. Rule
assisted in bringing \$87(2)(b) to the ground, but did not recall what part of \$87(2)(b) s body
he grabbed. Lt. Rule stated that as he and PO Cawley pursued PO Cawley was able
to reach \$87(2)(b) first and attempted to bring \$87(2)(b) to the ground by placing his arms
around stack. However, street, stacks subsequently dragged PO Cawley, and
continued doing so until Lt. Rule arrived and grabbed one of \$87(2)(b) s arms or legs, causing
the three men to fall to the ground. §87(2)(b) was then placed in handcuffs.
Officers are permitted to use the minimum amount of force necessary to overcome
resistance and take into custody a violent or resistant individual. NYPD Patrol Guide Procedure
203-11 (see Board Review 03).
§ 87(2)(g)

§ 87(2)(g)
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Allegation F-Abuse of Authority: On May 24, 2014, Lt. Ian Rule strip-searched §87(2)(b)
at Bleecker Street and Christopher Street in Manhattan.
It is undisputed that after \$87(2)(b) was placed under arrest, Lt. Rule participated in a
frisk and search of \$87(2)(b) It is also undisputed that it was discovered that \$87(2)(b) was
wearing a metal knee brace on his left knee. [\$ 87(2)(9)
alleged during his second interview on October 28, 2014, that after being placed in handcuffs, Lt. Rule patted him down and felt a hard object on his left knee, which
stated was a metal brace he has worn since being struck by a car in 2010. Lt. Rule
allegedly pulled down \$87(2)(b) s pants until they were below the knee in order to confirm
what the object was. §87(2)(b) s underwear and the "top of his thigh" were exposed during the
search.
Lt. Rule stated that after feeling a hard object on one of \$87(2)(b) s knees, he pulled
the corresponding leg of \$87(2)(b) s pants up until it was above the knee, and was able to
confirm the object was a metal knee brace. Lt. Rule denied pulling \$87(2)(b) s pants down and
stated that \$87(2)(b) s underwear was not exposed at the arrest location. PO Cawley stated that he had felt the hard object and in an effort to determine what it
was, pulled \$87(2)(6) stated that he had best the hard object and he are criost to determine what it
knee brace. PO Cawley did not observe Lt. Rule pull \$\frac{867(2)(0)}{2}\$ s pants down at the scene and
stated that \$87(2)(5) s underwear was not exposed at the arrest location.
§ 87(2)(g)
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Allegation G-Abuse of Authority: On May 24, 2014, Lt. Ian Rule strip-searched \$87(2)(b)
at the 6 th Precinct Stationhouse.
It is documented that more than 50 bags of marijuana as well as other narcotics and
related paraphernalia were recovered from \$87(2)(b) s person on scene after his arrest. It is also
undisputed that Lt. Rule strip-searched sercest at the 6 th Precinct Stationhouse after his
arrest. Lt. Rule confirmed that he authorized and conducted the strip search of \$87(2)(b) at the
stationhouse. Lt. Rule stated that prior to the search, he conducted a computer check of
§87(2)(b) and discovered that he had an extensive arrest history for narcotics. Lt. Rule stated that he
authorized the strip search for the following reasons: his observation of a potential hand to hand
drug transaction which initiated the interaction and arrest of \$87(2)(b) the presence of an
empty mason jar, which, according to Lt. Rule, is typically used to conceal narcotics, on
\$87(2)(b) s person, \$87(2)(b) s flight from officers after being stopped, the presence of a metal
knee brace that could not be fully examined at the arrest location, the high amount of narcotics

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A strip search may only be conducted when the arresting officer reasonably suspects that weapons, contraband or evidence may be concealed upon the person or in the clothing in such a manner that they may not be discovered by the previous search methods. Other factors that should be considered in determining whether an appropriate basis exists for a strip search include: arrest circumstances or any discoveries of information from previous searches of the same individual. NYPD Patrol Guide Procedure 208-05 (see Board Review 02). Allegation I-Abuse of Authority: On July 19, 2014, Lt. Ian Rule strip-searched [887(2)(5)] at the 6th Precinct Stationhouse. It is undisputed that \$87(2)(b) was strip-searched at the 6th Precinct Stationhouse after he was placed under arrest on July 19, 2014. On November 12, 2014, \$87(2)(b) sent a letter to the undersigned detailing this additional incident date, which was received at the CCRB on November 24, 2014 (see Board Review 08). However, contact attempts made to \$87(2)(b) regarding this incident were met with negative results (see Board Review 20). \$87(2)(b) had been released from police custody on December 5, 2014. A Lexis search for \$87(2)(b) yielded no additional contact numbers and his current address according to the search resulted in a please call letter being returned to the CCRB. Please call letters mailed to \$87(2)(b) s listed address from his first interview were not returned to the CCRB. § 87(2)(g)

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discovered at the arrest scene, as well as the results of the computer check which revealed that

had an extensive arrest history for narcotics.

§ 87(2)(g), § 87(4-b)			
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Pod:			
Investigator:			
Signature	Print	Date	
Pod Leader:			
Title/Signature	Print	Date	
Attorney:			
Title/Signature	Print	Date	